

EXHIBIT A



OFFICE OF THE SHERIFF CITY AND COUNTY OF SAN FRANCISCO

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ROOM 456, CITY HALL
SAN FRANCISCO, CALIFORNIA 94102



PAUL MIYAMOTO
SHERIFF

September 29, 2024
2024-144

Dear Presiding Judge Massullo, Assistant Presiding Judge East, and Master Calendar Judge Fleming:

Effective September 30, 2024, the San Francisco Sheriff's Pre-Trial Electronic Monitoring Program (hereinafter SFSO PTEM) will no longer be accepting new participants for supervision on release. Pursuant to the court order issued September 26, 2024, in *Simon v. City and County of San Francisco*, Case No. 22-cv-05541-JST, the SFSO is no longer permitted to have a warrantless search condition as a standard rule for all participants. SFSO PTEM provides not only location tracking but also an intensive level of supervision for criminal defendants who are not eligible for release with less restrictive conditions. Program participants have been held to answer on serious offenses or have other characteristics that require the heightened supervision provided by SFSO PTEM.

Electronic monitoring establishes a defendant's physical location, but the warrantless search condition is required to allow the SFSO to discover whether a defendant is abiding by other conditions of release including stay-away orders and prohibitions on possessing weapons, drugs, or electronics, or other contraband (e.g. burglary tools). The warrantless search condition allows for supervision without violating the defendants' Fourth Amendment rights. For example, a key aspect of intake to SFSO PTEM is the home check. The purpose of the home check is to ensure that, at a minimum there are no weapons, crime victims, contraband, or illegal activities taking place at the address provided by the individual placed in SFSO PTEM. The warrantless search condition allows the Community Programs Unit to conduct the initial home check and future compliance checks safely while the individual is on SFSO PTEM. The SFSO cannot administer the program safely for its employees and the public without this condition.

We will continue to serve the clients that are currently enrolled. Any orders made before September 30, 2024, will be processed. In the absence of SFSO PTEM, as you know, there are many other options available to judges as conditions of release including assertive case management (ACM), curfews, stay away orders, drug conditions and testing, alcohol conditions and testing, residential treatment, and weapons conditions. Thank you in advance for your cooperation.

Sincerely,

Paul Miyamoto
Sheriff of San Francisco

CC: Public Defender Mano Raju, District Attorney Brooke Jenkins, Betsy Wolkin (Conflicts Panel BASF), Julie Traun (Conflicts Panel BASF), San Francisco Adult Probation, San Francisco Pretrial Diversion